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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,863	03/24/2004	Jeff Braun	KM2377.005A	5484

20995 7590 12/23/2010  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

EXAMINER
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HASAN, SYED Y

ART UNIT	PAPER NUMBER
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2484

NOTIFICATION DATE	DELIVERY MODE
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12/23/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/807,863	BRAUN, JEFF	
	<b>Examiner</b>	<b>Art Unit</b>	
	SYED Y. HASAN	2484	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 May 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 and 19 - 44 is/are pending in the application.
- 4a) Of the above claim(s)    is/are withdrawn from consideration.
- 5) ☐ Claim(s)        is/are allowed.
- 6) ☒ Claim(s) 1-14 and 19 - 44 is/are rejected.
- 7) ☐ Claim(s)        is/are objected to.
- 8) ☒ Claim(s)        are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on        is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
       Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
       Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No.       .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>      </u> .                            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>      </u> .  | 6) <input type="checkbox"/> Other: <u>      </u> .                |

## **DETAILED ACTION**

### **Response to Arguments**

1. Applicant's arguments with respect to claims 1 - 14 and 19 - 44 filed on 05/27/2010 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent thereof, subject to the conditions and requirements of this title.

The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV reads as follows:

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in Sec. 101.

... a signal does not fall within one of the four statutory classes of Sec. 101

... signal claims are ineligible for patent protection because they do not fall within any of the four statutory classes of Sec. 101.

Claim 31 - 38 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter as follows.

Claim 31 - 38 define “tangible computer-readable medium .....

In the state of the art, transitory signals are commonplace as a medium for transmitting computer instructions and thus in the absence of any evidence to the contrary and given the broadest reasonable interpretation, the scope of a “tangible computer readable medium” covers a signal per se. A transitory signal does not fall within the definition of a process, machine, manufacture or composition of matter.

Examiner recommends either cancelling the claim or adding language to the claim that makes this claim statutory, e.g. “non-transitory tangible computer-readable medium”

This claim language needs to be supported by the specification.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 - 14 and 19 – 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Lamkin et al. (US 2004/0220926).

**Regarding Claim 1**, Lamkin et al. discloses a method for displaying (fig 4, 420 and para 0040 display) first, second and third (paras 0039 and 0374 first, second and third) video stream (para 0140, video stream and panoramic view) information from a video player (figs 2, 5 and 6 , Paras 0054, 0056 and 0057 media player) the method comprising:

detecting the first video stream and associated first stream identification indicating that the first stream is a left stream; (fig 4, 420, n devices, para 0039, 0374 and 0375 illustrate first stream)

detecting the second video stream and associated second stream identification indicating that the second stream is a center stream (fig 4, 420, n devices, para 0039, 0374 and 0375 illustrate second stream)

detecting the third video stream and associated third stream identification indicating that the third stream is a right stream (fig 4, 420, n devices, para 0039, 0374 and 0375 illustrate third stream)

detecting a first display device and associated first display device identification indicating that the first display device is to a left location (fig 4, 420, n devices, para 0039, 0374 and 0375 illustrate first device)

detecting a second display device, and associated second display device identification indicating that the second display device is a center location (fig 4, 420, n devices, para 0039, 0374 and 0375 illustrate second)

detecting a third display device and associated third display device identification indicating that the third display device is a right location (fig 4, 420, n devices, para 0039, 0374 and 0375 illustrate third device)

directing the video streams to the display devices in a first assignment by using the identifications and positions so that the first stream is displayed on the

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first display device, the second stream is displayed on the second display device, and the third stream is displayed on the third display device (fig 4, 420, n devices, para 0039, 0374 and 0375 illustrate first, second and third streams and devices) to result in a panoramic view that includes three different portions of a same scene (para 0140 panoramic view) wherein each portion is displayed on a different one of the first, second and third display devices; , (para 0039, 0374 and 0375 illustrate first, second and third devices) and

accepting a signal from a user input device (fig 30, paras 0033, 0040 and 0048 illustrate user input) to modify the directing of the video streams to the display devices to produce a different assignment of streams to display devices (paras 0266 and 0481 illustrate modifying video streams)

**Regarding Claim 2**, Lamkin et al. discloses wherein the step of directing the video streams includes automatic direction of the streams to the display devices (paras 0040 and 0041, display automatically detected and configured)

**Regarding Claim 3**, Lamkin et al. discloses wherein the step of directing the video streams includes manual direction of the streams to the display devices (para 0040 manual control of video stream to display)

**Regarding Claim 4**, Lamkin et al. discloses wherein the step of directing the video streams includes substeps of obtaining a signal from a user input device (para 0039 illustrates obtaining a signal from user input device and directing it to a display device)

**Regarding Claim 5**, Lamkin et al. discloses the method, wherein a display device includes a display screen (fig. 4, 420).

**Regarding Claim 6**, Lamkin et al. discloses the method, wherein a video stream is obtained from a DVD (fig 7, 738).

**Regarding Claim 7**, Lamkin et al. discloses the method, wherein a video stream is obtained from a broadcast (figs 21 and 23, 2106, offsite content source (broadcast) and para 0396).

**Regarding Claim 8**, Lamkin et al. discloses the method, wherein the broadcast includes information from a satellite transmission (para 0396, satellite transmission).

**Regarding Claim 9**, Lamkin et al. discloses the method, wherein the broadcast includes information from a cable transmission (para 0396, cable transmission)

**Regarding Claim 10**, Lamkin et al. discloses the method, wherein the broadcast includes information from a radio-frequency transmission (para 0396, TV is radio frequency).

**Regarding Claim 11**, Lamkin et al. discloses the method, wherein the broadcast includes information from the internet (fig 2, 204, paras 0054 and 0092, internet).

**Regarding Claim 12**, Lamkin et al. discloses the method, wherein auxiliary stream information is associated with a given video stream, the method further comprising using the auxiliary stream information to identify a preferred position of the given video stream (fig 24, 2408, para 0529, sub window and fig 25, 2408, 2410 and 2412, para 0536, multiple sub windows)

**Regarding Claim 13**, Lamkin et al. discloses the method, wherein auxiliary display device information is associated with a given display device, the method further comprising using the auxiliary display device information to identify a position of the

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given display device with respect to a viewer's viewpoint (fig 25, 2408, 2410 and 2412, para 0536, multiple sub windows and para 0537 illustrates identifying a position of the given display)

**Regarding Claim 14**, Lamkin et al. discloses the method, further comprising determining that the preferred position corresponds with the position of the given display device; and directing the given video stream to be displayed on the given display device (fig 25, 2408, 2410 and 2412, para 0536, multiple sub windows and para 0537 illustrates directing video stream to be displayed on display device)

**Regarding Claim 19**, Lamkin et al. discloses the method, wherein the panoramic view is of a music video, (para 0140, panoramic view of video stream, any video stream) the method further comprising: accepting signals from the user input device (fig 30, paras 0033, 0040 and 0048 illustrate user input) to display (fig 4, 420) a specific band member on the first display device, an overall stage view on the second display device and a close-up of a musician's hands playing an instrument on the third display device (paras 0039 and 0040, illustrate directing any video clip to a display, paras 0094 and 0098, illustrate full screen or sub screen display, para 0148 identify scene change with video stream, paras 0374 and 0375, illustrate directing any video clip to a display)

**Regarding Claim 20**, Lamkin et al. discloses the method, wherein the panoramic view is of a sporting event, the method further comprising: accepting signals from the user input device to display a particular player on a fourth display screen and to display performance statistics on a fifth display screen (see claim 19 above, fig 4, 420 illustrates n displays. The fourth display can be configured to display a player and fifth display screen can be configured to display statistics (text) para 0090 textual data, or other sensory information also paras 0118, 0138, 0144, 0147 and 148)



**Regarding Claim 23**, Lamkin et al. discloses the method, wherein directing the first stream to the first display device, directing the second stream to the second display device, and directing the third stream to the third display device results in a panoramic view that includes three different portions of a same scene, wherein each portion is displayed on a different one of the first, second and third display devices (fig 4, 420 and para 0040 display, paras 0039 and 0374 first, second and third display device video stream and para 0140, video stream and panoramic view)

**Regarding Claim 24**, Lamkin et al. discloses the method, wherein the first stream is automatically directed to the first display device, and the second stream is automatically directed to the second display device (paras 0039, 0040 and 0041, illustrate automatically directing stream to display)

**Regarding Claim 25**, Lamkin et al. discloses the method, further comprising redirecting the first stream and the second stream in response to a signal from a remote control device (fig 30, paras 0566 to 0572, illustrate directing signals in response to a remote control device)

**Regarding Claim 28**, Lamkin et al. discloses the method, wherein the auxiliary information indicating that the first stream is a left stream is embedded in a video signal included in the first video stream (fig 4, 420, n devices, para 0039, 0374 and 0375 illustrate first stream embedded in video stream)

**Regarding Claim 29**, Lamkin et al. discloses the method, wherein the auxiliary information indicating that the first stream is a left stream is provided via sub-picture information. (fig 4, 420, n devices, para 0039, 0374 and 0375 illustrate first stream and fig 24, 2408, para 0529, sub picture)

**Claims 21, 22 and 39** are rejected based on claim 1 above

**Claim 26** is rejected based on claim 11 above

**Claim 27** is rejected based on claim 6 above

**Claim 30** is rejected based on claim 20 above

**Claim 31** is rejected based on claim 21 above

**Claims 32 and 40** are rejected based on claim 22 above

**Claim 33** is rejected based on claim 23 above

**Claims 34 and 41** are rejected based on claim 24 above

**Claims 35 and 42** are rejected based on claim 25 above

**Claims 36 and 43** are rejected based on claim 28 above

**Claims 37 and 44** are rejected based on claim 29 above

**Claim 38** is rejected based on claim 30 above

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

Kang (US 5548337) discloses personalization services for entities from multiple sources

Trivedi et al (US 2006/0187305) discloses Digital processing of video images

Demas et al (US 2004/0073930) discloses Satellite set-top box decoder for simultaneously servicing multiple independent programs for display on independent display device

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Y. H./  
12/15/2010

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